

# **CIVIL SERVICE ESSENTIALS**

## **FOR SUPERVISORS**

**Nontraditional Target Audience**

**MANAGEMENT IN STATE GOVERNMENT**

**Participant's Manual**  
**Comprehensive Public Training Program (CPTP)**  
**State of Louisiana**

**Revised 09/26/08**

# **Civil Service Essentials for Supervisors**

**Management in State Government**

**Comprehensive Public Training Program (CPTP)**

**Sponsored by the Governor's Office, Division of Administration  
and the Department of State Civil Service**

**The Department of State Civil Service  
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## **COURSE DESCRIPTION**

This class is designed to discuss a variety of supervisory responsibilities within the context of the Civil Service system. Topics will include the following:

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## **LEARNING OUTCOMES**

- Learn how to conduct a legal job interview by learning what questions should and should not be asked.
- Learn how to get and give references for applicants.
- Learn how to effectively on-board a new employee to his/her job and work unit.
- Learn guidelines for managing employees' work schedules, including "flex time," breaks, lunch, etc.
- Learn the legal consequences of a supervisor's signature on official documents.
- Learn about the supervisor's flexibility in assigning work duties and his/her corresponding duty concerning position descriptions.
- Learn how to avoid harassment and discrimination in the workplace and a supervisor's legal responsibilities in this regard.
- Learn what political activities are prohibited for classified employees.

## **History of Civil Service**

Before the Civil Service system was created, state employees were hired and fired based on the “spoils system.” Obtaining and keeping state employment often depended on political influence and on whom one knew. Charles Dunbar, a New Orleans attorney, wrote the first state legislation for a Civil Service system in 1940. It was repealed by the legislature in 1948 during the term of Governor Earl Long. The present system became part of the State Constitution in 1953 and was later continued in the 1974 revision of the State Constitution.

## **Exercise - Why Civil Service?**

1. What gives the Civil Service rules their authority?
2. Who is the top boss of the Civil Service system?
3. Who acts as the CEO of the State Civil Service system?
4. What are some benefits of the merit system?
5. By law, how many positions in the Department of State Civil Service are unclassified positions?

## **Purpose and Mission of Civil Service**

### **Purpose**

- Eliminate waste and inefficiency due to politics.
- Create a personnel system to encourage a stable, qualified, efficient, and politically neutral workforce.
- To govern personnel practices for the state's classified work force. C. S. rules do not govern unclassified state employees. (See Appendix A on page 38.)

### **Mission**

- Develop and administer human resources practices for state agencies.
- Help state agencies provide quality services.
- Meet State Constitutional mandates for operating within the public sector.

### **Legal authority**

- Legal authority of Civil Service rules comes from the State Constitution.
- Article X of the LA State Constitution authorizes merit system.
- The Department of State Civil Service was created to oversee merit system.

### **Benefits**

- Hiring based on qualifications.
- Uniform classification and pay system.
- Continued employment not subject to political changes.
- Appeals process guarantees permanent employees due process before job or pay can be taken away.



## **Who Administers the Civil Service System?**

### **Civil Service Commission**

The top administrative body over the classified state service is the State Civil Service Commission. (See Appendix B on page 39.) The seven-person Commission:

- Adopts and amends Civil Service rules.
- Approves the classification and pay plan.
- Assigns C.S. appeals to referees and hears appeals.
- Appoints the Director of the Department of State Civil Service.
- Acts on other Civil Service matters at its public business meetings once a month.



### **Civil Service Director**

- Civil Service Commission competitively appoints the Director of Civil Service. This position is a classified one.
- State Civil Service Department is not authorized regular unclassified positions by the State Constitution.
- This protects Director and staff from political influence.



### **Department of State Civil Service**

The major Civil Service divisions, their functions, and telephone numbers are listed in Appendix C on page 40.

**Civil Service Web Site** - [www.civilservice.louisiana.gov](http://www.civilservice.louisiana.gov)

See Appendix C on page 41.

## **Know Your Role As A State Supervisor**

### **Your Authority in the Chain of Command**

- Your chain of command supports and guides you to do your job.
- A common mistake is to change a policy or procedure without backing.
- Your decision may be reversed due to a lack of support.
- Supervisory authority and respect is undermined if the chain is not followed.
- Chain provides security and credibility in actions taken.

### **Your Agency's Policies**

- Supervisors need to learn and put into action CS rules and agency policies.
- CS rules and agency policies are not the same thing.
- Some CS rules provide flexibility for agency policies, subject to the CS rules.
- It is very important for supervisors to be familiar with their agency's policies.
- Your HR office can explain your agency's policies.

### **Appointing Authority**

- The LA Revised statutes designates the appointing authorities for state agencies.
- The appointing authority may delegate authority to others in the agency.
- Supervisor must be aware of the identity of the individual(s) within the agency who possesses "appointing authority" status.
- Familiarize yourself with any authority signatures needed for personnel actions, leave slips, position descriptions, letters of reprimand or counseling, merit increases, PPR forms and disciplinary actions.
- Get support from your chain of command (i.e. immediate supervisor or HR office) before giving letters or forms to an employee.



## **Interview Questions – Preview**

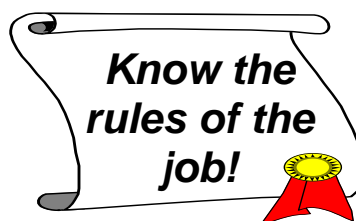
Please read the following questions and determine whether or not they should be asked during a job interview. Indicate yes or no in the columns on the right.

<b>Interview Questions</b>	<b><u>Yes</u></b>	<b><u>No</u></b>
Should I call you Mrs., Miss, or Ms.?		
What is your race?		
What nationality are your parents?		
Are there any special religious holidays you will need to observe?		
If you are required to work overtime, will you have problems with childcare arrangements?		
How much do you weigh and how tall are you?		
Do you belong to any social, civic, or religious clubs, and if so, which ones?		
Have your wages ever been garnished?		
You look in good shape. How old are you?		



## **Some Laws Affecting Interviewing**

<b>LAW:</b>	<b>What is Covered:</b>
<b>Civil Rights Act (Title VII) 1964, amended 1991)</b>	Prohibits discrimination in all aspects of employment on the basis of race, color, religion, national origin, or gender.
<b>Age Discrimination in Employment Act (1967, amended 1987)</b>	Prohibits discrimination on the basis of age for employees age forty or over. Also prohibits age-based mandatory retirement.
<b>Pregnancy Discrimination Act (1978)</b>	Prohibits discrimination on the basis of pregnancy or pregnancy-related conditions.
<b>Immigration Reform and Control Act (1986)</b>	Prohibits discrimination on the basis of national origin. The agency must verify that all its employees are authorized to work in the United States.
<b>Americans with Disabilities Act (1990)</b>	Prohibits discrimination on the basis of disabilities that are not essential for job performance. Requires “reasonable accommodation” of qualified candidates with disabilities.
<b>Genetic Information Non-Discrimination Act (GINA) (2009)</b>	Prohibits discrimination against individuals on the basis of their genetic information in both employment and health care.



## **INTERVIEWING**

Interviewing is an essential part of the hiring process. The interview is intended to assist in the process of predicting job performance. Although the probationary period is actually the best predictor of job performance, the interview can also be important. The CPTP course “Conducting an Effective Job Interview” is recommended for this topic.

### **Planning the Interview**



- Check for agency interview policy.
- Review information supplied by applicant on the Civil Service Employment Application (SF-10).
- Use the position description (SF-3) for the position to be filled.
  - Best tool for interview is an up-to-date, well-written position description.
  - Focus on position’s duties and what will be expected of the employee.
  - Provide copy of description prior to interview, if possible.
- Each applicant should be asked the same questions in a structured interview process.
  - Make copies of structured questionnaires to record answers of candidate.
  - Follow-up questions are allowed if responses generate related questions.
  - Interview should be job-related, based on objective criteria, and the criteria must have a consistent effect on all applicants.



### **Conducting the Interview**

- Put candidates at ease. Do not ask “icebreaker” questions that can be seen by them as too personal or discriminatory, such as if they are married, etc. An example of a courteous “icebreaker” might be: “Why are you interested in applying for this position?”
- Take notes during the interview. Avoid writing subjective conclusions (he’s a sloppy dresser).
- Avoid discriminatory and non job-related questions.

## Do not ask:

- Are you single, married, or divorced?
- What is your race, sex, national origin, or religion?
- What is your age?
- Do you think you are too old for this type of work?
- Do you have a disability? How did it happen?
- Are you pregnant or do you intend to have children?
- Do you have children? Who takes care of your children?
- What are your height and weight?
- What type of transportation do you have to and from work?
- Have you ever been arrested? (You may ask if he has ever been convicted of a felony.)



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## You may ask job-related questions:

- Why are you interested in this job?
- These are the functions of this job... Can you perform these duties? (You may make a general inquiry as to the ability of an applicant to perform the functions of the job. The employer cannot assume that an applicant is incapable of performing the job.)
- What aspects of your formal education would help you perform the duties and responsibilities of this job?
- What experience have you had that will help you perform the duties of this job?
- What other abilities do you possess that will help you perform this job?

- Do you have all licenses and certifications necessary to do this job?
- Are you willing and able to travel as required? Be as specific as possible.
- Are you willing and able to work overtime? Be as specific as possible.
- Are you able to lift 50-pound bags of supplies, as this job routinely requires?
- Whom may I call for more information about your past performance?
- Provide copies of your last two official performance ratings (PPR).
- Has your merit increase been withheld within the past two years?
- Have you received any official disciplinary actions during the past two years?
- During the past two years, have you been separated for disciplinary reasons or terminated during your probationary period? For what reasons?
- Have you ever been convicted of a felony?
- Ask any other questions that may be required by your agency policy or Human Resources office.

### **After the Interview**

- Notify the applicant who was selected.
- After job has been accepted, inform applicants not selected.
- You are not required to give reasons for your choice to candidates. You may say, “We wish to notify you that you were not selected for this job; however, we thank you for applying for the job and we wish you well in your future efforts.” If one asks why he was not selected, a diplomatic answer may be: “The decision made was very difficult because we had several outstanding candidates. However, I believe we made the best choice available to us.”
- You are not required to give candidates the documentation from your structured interviews; however, if legally challenged, documentation may be subpoenaed.
- Follow-up with your HR office in its role in personnel selection.



## Interviewing Exercise:

1. You supervise four positions at your agency. One of your positions is vacant. The appointing authority tells you to fill the vacant position. **What should you do before starting the interview/selection process to fill the position:**

➤

➤

2. HR has posted the vacancy. You now need to develop the interview questions. You want to develop the questions based on the knowledge, skills, and abilities (KSAs) needed for the job. **What could you use to help you identify the KSAs of the position?**

➤

3. HR has notified the applicants who were not selected. You receive a call from one of the applicants. The applicant wants to know why she did not get the job so she can better prepare for future job opportunities. **How would you respond to this applicant?**

➤



## Reference Checking

### Getting References

- You may ask the candidates for names of persons willing to provide references.
- You may also contact past employers, with or without the applicant's permission.
- When seeking references, ask only factual, job-related questions.
- Do **NOT** ask questions regarding marital status, race, color, religion, creed, national origin, sex, age, physical disability, or medical condition.
- You **may** ask:
  - Why did the person leave his job?
  - How long did he work there?
  - What is your overall, job-related assessment of the candidate?
  - Would you rehire this person?
- If the candidate works/worked for state government in Louisiana, you may ask the government employer about his or her recent PPR ratings, merit increases, disciplinary actions, and letters of reprimand.



### Giving References

- Before giving any reference information, know if you are authorized to give references.
- Know what to say and not say.
- Do **not**:
  - Give information that is not job-related.
  - Volunteer information that is not specifically requested.
  - Give information for which you don't have first-hand knowledge.
  - Make subjective statements without factual information to support it.

**Note: Contact HR about any agency policies regarding giving or getting references!**

## **On-Boarding of New Employees**

### **Employee On-Boarding:**

- The process of learning and adapting to new job.
- Does not end with the filling out of routine forms in the HR office.
- Can determine the success or failure of the new employee.
- Process may include on the job training, which may last for weeks or months (continuing development).

### **Your supervisory role:**

- **Conduct PPR planning session within 30 calendar days of new hire!**
- Orient the employee as soon as possible.
- Let him or her know their role in the overall mission of the agency.
- Introduce employee to staff members.
- Conduct a tour of the facility.
- Clarify your expectations from the beginning.
- Provide the agency's handbook.
- Give the employee a copy of his position description (Standard Form 3).
- Encourage him to ask questions and make yourself approachable.
- Conduct on-the-job training for the new employee.
- Play an active role in the continuing development of the new employee.



**A sample employee on-boarding checklist can be found on the next page of this booklet.**

## **On-Boarding Checklist**

- ☐ **Conduct PPR planning session within 30 days of new hire!**
- ☐ Introduce the new employee to staff members.
- ☐ Obtain address, telephone number, and emergency information of employee.
- ☐ Conduct a tour of the facility for the new employee.
- ☐ Give the new employee a copy of his position description (SF-3).
- ☐ Make available and explain the work unit's procedures and also the agency's policies, if necessary.
- ☐ Explain the dress code of the work unit and/or agency.
- ☐ Explain office hours and work schedule (lunch, breaks, flex time, etc.).
- ☐ Explain the leave policies of the work unit and/or agency.
- ☐ Notify the new employee of overtime or shift changes that may be required.
- ☐ Discuss safety procedures and the emergency evacuation plan.
- ☐ Explain the logistics of the work unit (function, structure, organization, etc.).
- ☐ \_\_\_\_\_

**I have discussed all of the above-listed items with the employee.**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of Supervisor

**I have been informed of all of the above-listed items.**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of employee



### **On-Boarding Exercise:**

1. You have hired a new employee, Tom Green. He will start work at your agency in two weeks. **What are some things you want to do to prepare Tom for his new role?**

➤

➤

➤

2. It's Tom's first day at work. He arrives 15 minutes early. **List the things you will do to orient Tom to his new job:**

➤

➤

➤



## Managing Your Employees' Work Schedules

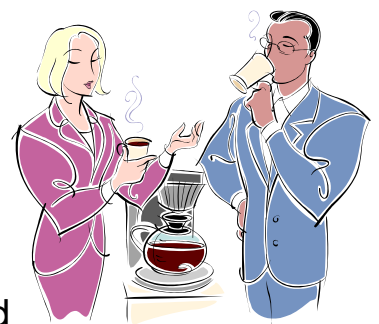
Supervisors have the responsibility of managing their employees' work schedules to ensure efficient work. Thus, they manage employees' work shifts, breaks, lunch, flex time or the absence of it.

### Civil Service Rules

- Civil Service **does not** manage the work schedules of employees. The managing of work schedules is the responsibility of agency appointing authorities.
- Civil Service **does** require that time and attendance records are truthful and accurate.
  - Employees should accurately record the number of hours they work each day and the hours and days of paid or unpaid leave.
  - Civil Service rules require accurate compensation for actual time worked, and any paid leave or paid holidays.
  - Rules prohibit the falsification of recorded work time.

### Work breaks

- Breaks are optional. They are not addressed in Civil Service rules or federal law.
- Breaks, if granted, are counted as work time.
- Many agencies provide for a 15-minute morning/afternoon break.
  - Purpose of breaks is to provide a brief rest and distraction from work.
  - Not to be used to excuse tardiness at the beginning of business.
  - Not to be used to excuse leaving work early.
  - Since breaks are counted as work time, if they are used to excuse tardiness, or leaving work early, or they are combined with lunch time, this could potentially subject an agency to workers' compensation issues if an injury were to occur to an employee during that time.



Unofficial work breaks, such as smoking breaks, may be managed by supervisors in the best interest of their units and clients.

## Lunch

- Lunch is **NOT** counted as work time.
- Agencies may determine how long lunch periods will last.
- Agencies should be aware that non-exempt employees under the Fair Labor Standards Act (FLSA), who are permitted to work during the lunch period, could have this time counted as work time. Do not permit employees to work during lunch if you do not wish this to count as overtime.
- The Louisiana Minor Labor Law (Title 23, Chapter 3 of Revised Statutes of 1950, as amended) states the following: “No minor under the age of eighteen, shall be employed, permitted, or suffered to work for any five-hour period without one interval of at least thirty minutes within such period for meals. Such interval shall not be included as part of the working hours of the day.”

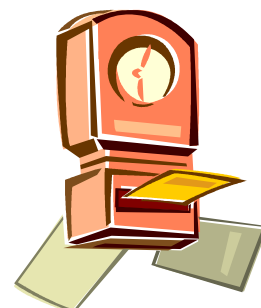


## Shifts

- Shift assignments are determined by the appointing authority.
- Some agencies have internal policies that determine such assignments.
- Civil Service does **not** make these decisions.

## “Flex” time (flexible work time) vs. non-flex time

- Appointing authority must manage the work schedules of his employees.
- May use any method of scheduling work if:
  - The mission of the agency is effectively met.
  - Service is efficiently administered to clients.
- May choose a fixed work schedule for employees in the department or all employees in a particular office(s). For example, all employees may be required to work Monday through Friday from 8:00 a.m. to 4:30 p.m. with a 30-minute lunch (not counted as work time)... OR...
- Allow employees, after approval, to work flexible “flex” work schedules that differ.
- Employees do **not** have the right to choose whatever work schedule they prefer, **unless** the appointing authority approves of it.



### **Work Schedule Exercise:**

You must share with Tom information about his work schedule. You know your agency does not allow the compressed work week and Tom has asked about that. **Provide your response to Tom's question and also provide him information regarding work breaks, lunch breaks, shifts, and flextime (These items may be specific to your agency's policy.).**

➤



## **Basics of Overtime**

### **Who must work overtime?**

- Civil Service Rule 21.1 states: “An employee in the classified service may be required by his appointing authority to work overtime”.
- Supervisors should be sure that there is a reasonable business reason before requiring overtime.

### **Methods of compensation for overtime**



- At the option of the appointing authority, an employee who has a regular schedule of duty may be compensated for overtime by pay or by being credited with compensatory leave (K-Time).

### **For overtime purposes, there are only two kinds of employees: 1) non-exempt and, 2) exempt.**

- The state is subject to the federal Fair Labor Standards Act (FLSA) regarding overtime for non-exempt employees. “Exempt” employees are those who are exempt from the FLSA, i.e., not covered by it.
- The exempt or non-exempt status of any particular position is determined by the agency. This is based on a variety of factors defined in the FLSA, not by Civil Service rules. Exempt or non-exempt status is NOT automatically determined by one’s pay range or by whether the position is classified or unclassified.
- Often, the agency’s Human Resources Office is responsible for determining exempt or non-exempt status.

### **What is FLSA overtime and what is “State” overtime?**

- FLSA overtime is overtime compensation granted to non-exempt employees who have worked in excess of their regularly scheduled work period, usually 40 hours in seven-day week. This overtime is always compensated at the time and one-

half rate. There are a few exceptions to the 40 hour, seven day week, such as police, fire, boat and hospital personnel.

- “State” overtime is either: a) overtime worked by an exempt employee, or, b) any overtime worked by a non-exempt employee that is not in excess of 40 hours during his regularly scheduled workweek due to leave taken or a holiday observed.

### **Who must be compensated?**

- Non-exempt employees must be compensated at the time and one-half rate for FLSA overtime.
- If a non-exempt employee works overtime on a workday or on a regular day off, but has not worked in excess of 40 hours for the work week due to leave taken or a holiday observed during the week, the employee must be compensated at the “state” rate (usually hour-for-hour rate).
- If a non-exempt employee works on a holiday or works during official agency closures, the employee may, at the agency’s discretion, be compensated at the time and one-half rate for “State” overtime.
- There is no requirement for exempt employees to be compensated for any overtime worked. If they are compensated, the compensation rate will be at the hour-for-hour rate, except in rare circumstances or with prior approval of the CS Commission.

**1.5 X Rate**

### **Caps on accumulated compensatory leave**

- Rule 21.10 states: “Employees who accrue compensatory leave at the time and one-half rate shall accumulate no more of such compensatory leave than allowed under the Fair Labor Standards Act.” If overtime worked exceeds this amount, the employee must be paid for that overtime which exceeds the cap.
- There are caps on the amount of hour for hour compensatory leave that can be carried over from year to year. See Civil Service Rule 21.11.

## Overtime Exercise:

1. Tom has been working as your employee for six months and is a good employee. Over the past few weeks, everyone in the unit has been required to work overtime. Tom has been very cooperative regarding overtime. On one of his weeks you see he worked overtime several hours. He had two days (Monday & Tuesday) where he worked two extra hours. On the last day of the work week Tom called in sick. Tom is a non-exempt employee of your agency.  
**How many hours did Tom work this week?**

**How many of those hours are overtime?**

**What is the rate-of-pay for the overtime hours?**

Notes: - Tom's work schedule is a typical workweek of 40 hrs per week.  
- Use schedules below to record Tom's time for each week.

2. The following week Tom worked overtime. Monday – Thursday Tom worked two extra hours each day. On Friday he worked his regular scheduled hours (8 hrs). **How many hours does Tom have for that week?**

**How many of those hours are overtime?**

**What is the rate-of-pay for the overtime hours?**

**Exercise 1:**

Day	Reg hrs	O/T hrs	Leave taken	Holiday
M				
T				
W				
T				
F				
S	OFF			
S	OFF			
Total				

Rate of pay for overtime: \_\_\_\_\_

**Exercise 2:**

Day	Reg hrs	O/T hrs	Leave taken	Holiday
M				
T				
W				
T				
F				
S	OFF			
S	OFF			
Total				

Rate of pay for overtime: \_\_\_\_\_

## Position Descriptions and Allocations

### Supervisors:

- You have the right and responsibility to assign duties based on the mission and needs of your unit, even if they are not specifically written in the job description. The employee is required to perform any and all reasonable duties as assigned that are business related.
- A common misunderstanding in state government is that an employee cannot be assigned duties that are not specifically mentioned in his job description. **THIS IS COMPLETELY FALSE!**
- Clearly communicate job duties and responsibilities to staff, and update these on the position descriptions. A position description (Standard Form 3 or SF-3) should accurately state the job duties actually performed by the employee.
- Never assign duties that are illegal, unethical or immoral. Also, determine if the duties require the employee to have a legal license or certificate. Be aware if one is qualified to do the job. Consider if by performing the duties, the employee may be a hazard to himself or others.
- When writing or updating position descriptions, always consult with your Human Resources office.
- Remember, HR offices and Civil Service use the information on the SF-3 to allocate positions to job titles.
- Remember, the job allocation determines the employee's:
  - Job Title
  - Pay Range
  - Qualifying experience for promotions and other jobs
  - Performance Planning and Review expectations and ratings





## **Position description vs. job specification**

### **Position description (Standard Form 3 or SF-3):**

- Specific information about the duties and responsibilities defined for a particular position at an agency.
- An employee's position description (Standard Form 3 or SF-3) should accurately state the job duties actually performed by that employee.

### **Job specification:** (job descriptions seen on Civil Service web site)

- A general listing of the types of duties and responsibilities associated with a particular job title.
- Not specific to the individual employee or the individual position.

## **Allocation of positions to job titles**

- Based on the duties and responsibilities of the position itself, not on the individual occupying the position.
- Position should be reallocated when the duties and responsibilities of a position undergo an ongoing and major change.

### **Reallocations of positions are NOT based on the following:**

- Volume of work
- Seniority
- Good work performance
- Employee's need for a pay increase
- Because an employee is near retirement
- Because employee is at the maximum of his pay range



**Note: Reallocation is not an entitlement to a higher position simply because the employee meets the minimum qualification requirements for the job.**

## **Regarding position descriptions...**

- Provide the employee with a copy of his/her position description.
- Allow the employee to read and ask questions regarding the position description. Expectations should be made clear from the very beginning.
- The writing of position descriptions should typically be a cooperative effort involving the employee, the supervisor, and the Human Resources office.
- If the supervisor or employee does not agree with or has comments to make regarding the contents of a position description, they can check off the appropriate box in the signature section of the SF-3 form and attach their comments to the position description.
- When a state supervisor signs an employee's position description (Standard Form 3 or SF-3), he is certifying that the content of the document is true to the best of his knowledge. Submitting false statements on position descriptions is a violation of Civil Service rules and may be subject to disciplinary action, up to and including termination.

**The supervisor:** 1) Assigns and reassigns duties; 2) Prepares and reviews position descriptions; and 3) Explains duties of the position to the employee.

**The employee:** 1) Reads the position description to ensure accuracy; 2) Asks questions if something is not clearly understood; and 3) Performs any and all related duties as required or assigned.

**The Human Resources office:** 1) Works with supervisors in writing position descriptions; 2) Works with Civil Service to determine proper allocations of position; and 3) Submits position descriptions to Civil Service.

### **Civil Service Rule 5.2 (d):**

**Allocation of positions shall be based on those duties being actually certified as true by the appointing authority as stated on the official position description form. Falsification or misrepresentation of duty statements is a violation of Civil Service rules and any such falsification or misrepresentation cannot support allocation into any job.**

### **Allocation/Reallocation Exercise:**

1. Tom is one of the four maintenance repair foremen you supervise. He currently inspects three buildings for repair for your agency. You assigned him an additional three buildings to inspect on an on-going basis. Shortly after you assigned him these items, Tom asks you if his position will be re-allocated since he has been assigned to inspect these additional three buildings. **As Tom's supervisor, what might be your response?**

➤

2. Six months later, your supervisor introduces you to a computer program that will be implemented into your work unit. This program will be used to track and manage inspection and repair reports for your work unit. It will require one of your maintenance repair foremen to manage. This person will have to oversee the program as well as assist, compile, and edit all the reports the other foremen input into the computer system. In addition, the person assigned to manage this program will be required to take a three month training course. The duties of managing the computer program will be on-going, and will be an additional requirement to the maintenance repair foreman's duties. **You decided to assign the management of the program to Tom. Are these duties significant and on-going? Could these duties serve as justification to get the position reallocated? If so, why?**

➤



## **Falsification of Public Documents**

### **Your signature has consequences:**

- It signifies agreement with and certifies accuracy of the information.
- Signing a document that you know contains false information or misrepresentation is a violation of Civil Service rules.
- Violations can subject you to severe disciplinary action and legal action.
- Official documents include, but are not limited to personnel action forms, PPR forms, position descriptions, leave slips, and time and attendance sheets.
- Check to see if your agency has a policy regarding false records.



**Civil Service Rule 14.1 (j): No person shall make any false statement, certificate, mark, rating, form or report with regard to any application, test, certification, personnel transaction, appointment or employment made under any provision of the Article, the Rules or a regulation of the Department of Civil Service, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the Article, Rules and regulations.**

### **Exercise:**

A) What is the potential harm of each situation below?

B) What can you do to avoid such harm?

1. One of your employees submits to you an updated position description. He has stated that he supervises some personnel in the regional offices. You know that he offers technical assistance to these offices, but has no supervisory authority over them.

A)

B)

2. One of your employees tells you that tomorrow is going to be a beautiful day and he'd like to go fishing. He winks and says he'll call in sick.

A)

B)

## **Illegal Discrimination and Harassment**

### **Facts:**

- Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, gender, or national origin.
- The Civil Service rules prohibit discrimination on the basis of race, sex, religious, or political beliefs.

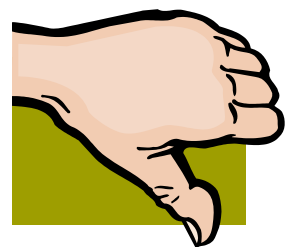
### **Supervisors, remember:**

- Never engage in activities involving any form of illegal discrimination or harassment.
- If incidents of illegal discrimination or harassment are observed take immediate corrective action without waiting for a complaint.
- Report incident immediately to the proper personnel at your agency, as designated in your agency's policy.
- Obtain guidance from your agency's HR office for proper handling of these types of matters at your agency.
- Ensure employees are aware that illegal discrimination and harassment are prohibited and **will not be allowed**.
- Illegal discrimination occurs when an employment action or decision is made based on one's race, sex, religious, or political beliefs, etc., rather than on a job-related reason.
- However, this does not mean that you must treat all employees exactly the same! It is not prohibited illegal discrimination to treat employees differently for job-related and performance reasons.
- The laws applicable to retaliation.

## **What is harassment?**

- Harassment occurs when there is deliberate or repeated conduct which unreasonably interferes with the employee's work performance or creates an intimidating work environment.
- Prohibited conduct includes (but is not limited to): 1) unwelcome verbal comments; 2) unwelcome physical gestures, 3) unwelcome communication by mail, telephone or computer, 4) unwelcome physical contact; 5) derogatory personal comments; 6) intimidation; 7) threats; 8) using a threatening tone of voice; 9) cursing or using offensive language.

## **Activities which should not be tolerated:**



- **Assault**

Any willful attempt to inflict injury on a person when coupled with an apparent ability to do so, or any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm.

- **Credible threat**

A statement or action which has the apparent capability of inflicting harm and is directed in a manner that causes a person to know they are the target of the threat, and it places them in reasonable fear for their safety or the safety of their immediate family.

- **Violence**

Is any unjust or unwarranted exertion of force or power. It is not limited to fatalities or injuries. It can refer to any intentional actions or words meant to embarrass, ridicule, degrade, or provoke another that results in physical or emotional injury to that person. It is any verbal, physical, or psychological threat or assault on an individual that has the intention or results in physical or psychological damage.

## **Sexual Harassment**

- Prohibited under Title VII of the Civil Rights Act of 1964.
- Supervisors must never engage in activities involving any form of sexual harassment.
- Supervisor is to try to prevent and stop any behavior and language that you observe that creates an intimidating, offensive, or hostile work environment.
- Supervisors must take immediate corrective action without waiting for a complaint.
- Report immediately to the proper personnel at your agency any behaviors observed, as designated in your agency's policy.
- Obtain guidance from your agency's HR office in the proper handling of these types of matters at your agency.
- Supervisors should ensure that their employees are aware that sexual harassment is prohibited and will not be tolerated.
- Sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  - Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual, or
  - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

## Examples of Unwelcomed Conduct



**List examples of unwelcomed conduct in the space below.**

1. \_\_\_\_\_

4. \_\_\_\_\_

2. \_\_\_\_\_

5. \_\_\_\_\_

3. \_\_\_\_\_

6. \_\_\_\_\_



### ***Did you know...***

*An employer is responsible for providing a workplace free from discrimination and harassment, regardless of the source of the problem.*

*"Sexual Harassment: A Commonsense Approach," Kantola Productions, LLC*



### **Key action steps for supervisors:**

- Never engage in any activities that involve any form of illegal discrimination or harassment.
- When handling illegal discrimination or harassment situations:
  - Take corrective action immediately; do not wait for a complaint.
  - Report it immediately to the proper personnel at your agency, as designated by your agency policy.
  - Always consult with your agency's Human Resources office.

### **Activity:**

List four areas that you may need to review with your staff about harassment.

1.

2.

3.

4.

## **Political Activity – Small Group Activity**

1. What are the basic forbidden political activities for classified employees?
2. Why are classified employees not permitted to engage in these activities?
3. Can your spouse, if he or she is not a classified employee, put a political yard sign in your shared yard?
4. Can you attend a fundraiser (example: a barbecue) for a political candidate if the \$25 ticket was purchased by a friend of yours and given to you as a gift?
5. Can you publicly state your beliefs on issues you consider important? Examples:  
a) gun issues, b) health issues, c) environmental issues.



## **PROHIBITED POLITICAL ACTIVITY**



### **What is prohibited political activity?**

- Any effort by a classified state employee to support or oppose a candidate or political party in an election, whether at the national, state, local, or even out-of-state level.
- A classified state employee must avoid the ACTUAL support of a candidate, party, or faction and avoid the APPEARANCE of giving such support.
- As a result of the prohibitions one cannot be forced to engage in such activity either directly or indirectly, through one's spouse or another person.

### **To whom do these prohibitions apply?**

- They apply to all current classified employees.
- Classified employees on leave without pay to serve in an unclassified job.
- Restrictions do **not** apply to unclassified employees except in those unusual cases where the Civil Service Commission has authorized, under Rule 4.1(d) 2, some positions in the unclassified service, and made the incumbents subject to these prohibitions as a condition of approval.

### **What legal authority governs such prohibitions?**

- Article 10, Section 9 of the State Constitution and Civil Service Rules 14.1(e), (f), and (g).
- The United States Supreme Court has recognized that a state has the right to limit the political activity of its workers to ensure the enforcement and application of laws for the common good and not for the good of one candidate or political party.
- The Supreme Court has also recognized the right of a state to restrict such activity in order to avoid the appearance of such support.

### **What can happen to a classified employee if he violates these restrictions?**

- If the Department of State Civil Service finds that a violation of political activity restrictions has occurred, corrective action will be taken.
- Corrective action may range from issuing a letter of admonishment to bringing the violator before the State Civil Service Commission for investigation by public hearing. The Commission has the authority to order disciplinary action up to and including termination from the classified state service.

### **How can one report political activity violations?**

- May be reported to the Department of State Civil Service, Accountability Division, P.O. Box 94111, Baton Rouge, LA 70804-9111.
- Such reports should be made in writing, but the name of the person making the report need not be given. Provide as many details as you know, including names, dates, places, witnesses, how to contact witnesses, and other relevant facts.

### **Classified employees MAY do the following:**



- Serve as a poll commissioner or official watcher at the polls.
- Publicly support or oppose issues of public debate or election other than in support of or opposition to a candidate or political party or faction.
- Attend a free function open to the public where any or all of the candidates may speak or present their views.
- Be a member of a private organization that may, under certain circumstances, endorse a candidate for public office, so long as the primary purpose of the organization is not the support or opposition of candidates, political parties, or factions. However, when the organization does support or oppose a candidate, party, or faction, you may NOT take an active part in the management of the affairs of the organization even in matters not related to that support or opposition.

**Classified employees shall NOT do the following:**



- Become a candidate for nomination or election to public office.
- Become a member of any committee of a political party or faction.
- Make or solicit contributions for any candidate or political party or faction.
- Take an active part in the management of the affairs of a political party, faction, candidate, or campaign.
- Attend any fund raising function of a candidate or political party or faction – even if someone gives you a free ticket. A function will be considered a fundraiser if it is advertised that anything - including food - will be sold at the function - even if you do not plan to buy anything.
- Solicit votes for or against a candidate or political party or faction.
- Publicly announce, in writing or otherwise, support or opposition to a candidate or political party or faction.
- Prepare or distribute campaign material for or against a candidate or political party or faction.
- Contribute or volunteer time, effort, property, or any other thing of value in support of or opposition to a candidate or political party or faction.
- Display a bumper sticker on the vehicle you drive in support of or opposition to a candidate or political party or faction.
- Place a sign on your property supporting or opposing a candidate or political party or faction or allow anyone else to do so, unless it is your spouse or someone else who co-owns the property with you. Of course, that person cannot be a classified employee.
- Contribute or loan money in support of or opposition to a candidate or political party or faction.
- Vote at the caucus or convention of a candidate or political party or faction.

- Wear, use, display, or distribute tee shirts, hats, stickers, pins, fans, water bottles, or any other material in support of or opposition to a candidate or political party or faction.

**NOTE:** The State Constitution further prohibits any person, whether a classified employee or not, from soliciting contributions from you for political purposes. The Constitution also prohibits any official in the state government from seeking to coerce you into engaging in political activity.

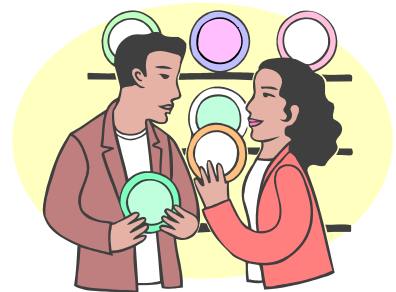
If clarification or questions arise regarding this topic consult with your HR office for information.

### **General Contact Information:**

Questions about political activity may be directed to your Human Resources Office, or the Department of State Civil Service, P.O. Box 94111, Baton Rouge, LA 70804-9111 or by phone at (225) 219-9437.

See General Circular #1501, dated September 19, 2002 on the Civil Service website.

See Appendix E on page 43 concerning “Do’s and Don’ts for Spouses of Candidates.”



## **APPENDIX A**

### **Unclassified Positions**

- Article X, Section 2 of the State Constitution lists those positions in state government which are unclassified.
- Section 2(A) states that the state and city civil service is divided into the unclassified and the classified service.
- Persons not included in the unclassified service are in the classified service.
- That Section further states that additional positions may be added to the unclassified service and those positions may be revoked by rules adopted by a commission.
- For state Civil Service employees, the State Civil Service Commission adopts these rules.
- The Commission has adopted Civil Service Rules 4.1(d)1 and 4.1(d)2 for this purpose.
- These rules allow the State Civil Service Director and/or Commission to add positions to the unclassified service.

### **Unclassified positions listed in State Constitution and C.S. Rule 4.1©:**

- Elected officials and persons appointed to fill vacancies in elective offices.
- The head of each principal executive department appointed by the Governor, the mayor, or the governing authority of a city.
- City attorneys.
- Registrars of voters.
- Members of state and city boards, authorities, and commissions.
- One private secretary to the president of each college or university.
- One person holding a confidential position and one principal assistant or deputy to any officer, board, commission, or authority mentioned in (1), (2), (4), or (5) above, except civil service departments.
- Members of the military or naval forces.
- Teaching and professional staffs, and administrative officers of schools, colleges, and universities of the state, and bona fide students of those institutions employed by any state, parochial, or municipal agency.
- Employees, deputies, and officers of the legislature and of the offices of the governor, lieutenant governor, attorney general, each mayor and city attorney, of police juries, school boards, assessors, and of all offices provided for in Article V of this constitution except the offices of clerk of the municipal and traffic courts in New Orleans.
- Commissioners of elections, watchers, and custodians and deputy custodians of voting machines.
- Railroad employees whose working conditions and retirement benefits are regulated by federal agencies in accordance with federal law.
- Notaries public.

## **Appendix B**

### **The Civil Service Commission**

The Commission is comprised of seven persons who serve for overlapping (staggered) terms of six years each. In an effort to remove Commissioners from political influence, the State Constitution provides for the appointment of six of the seven members in the following manner. The Presidents of six private colleges and universities in Louisiana, as each of their designated vacancies on the Commission occurs, nominate three persons to fill the vacancy. These names are submitted to the Governor and the Governor must appoint one of the three persons nominated. (Note: One of the seven Commissioners is a classified employee elected by state classified employees.)

The private colleges and universities involved are as follows:

Centenary College at Shreveport

Dillard University at New Orleans

Louisiana College at Pineville

Loyola University at New Orleans

Tulane University at New Orleans

Xavier University at New Orleans





## **APPENDIX C**

### **Department of State Civil Service**

#### **Staffing Division – 225-342-8536**

- Recruits state employees.
- Administers exams.
- Develops selection procedures.
- Rates applicants.
- Issues vacancy announcements.
- Issues certificates of eligible candidates.
- Determines minimum qualification requirements for state jobs.
- Monitors and advises HR staffs in the delegation of staffing functions.



#### **Compensation Division – 225-342-8083**

- Maintains the classification plan and compensation structure.
- Conducts pay and job studies.
- Processes reallocation requests.
- Write C.S. rules governing classification structure and compensation program.
- Trains Human Resources staffs in compensation procedures.



#### **Program Assistance Division – 225-342-8274**

- Provides assistance to agencies in resolving human resources problems, Civil Service rule interpretations, policy development, etc.
- Trains employees statewide.
- Monitors the Performance Planning and Review system.



#### **Program Accountability Division – 225-219-9437**

- Assesses agencies' human resources practices.
- Verifies agencies' compliance with Civil Service rules.
- Develops human resources practices benchmarks.
- Recommends action for abuse of or non-compliance with CS rules.



#### **Appeals Section – 225-342-8070**

- Schedules, hears and decides Civil Service appeals.





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- [Transmittal 444 has been issued](#)
- [2008 Entry Guidelines and Data Integrity In-Depth Training Classes Scheduled](#)

## **Appendix D**

### **Examples of Unwelcome Conduct**

- Unwanted sexual advances
- Leering or ogling (“elevator eyes”)
- Making sexual gestures or displaying sexually suggestive objects, pictures, cartoons or posters
- Sending sexually inappropriate email or displaying Internet pornography or “pop-ups”
- Making or using derogatory comments, epithets, slurs, or jokes
- “Catcalls” or whistling
- Making sexual comments about a person’s body
- Using sexually degrading words to describe an individual
- Sending suggestive or obscene notes, cards, or invitations
- Physically touching someone in a sexual way
- Blocking or impeding someone’s movements

“Sexual Harassment: A Commonsense Approach,” Kantola Productions, LLC

## **Appendix E**

### **Do's and Don'ts for Spouses of Candidates**

- When the spouse of the classified employee is a candidate for election to public office, the fact of support is taken for granted by people who know about the spousal relationship. Not everyone, however, may know that the classified employee is the spouse of the candidate, so the goal of avoiding the appearance of support by a classified employee may be offended.
- There are many activities in which a classified spouse may engage to support the candidate spouse without offending the goals of the political activity restrictions. We have listed some activities that spouses of candidates may and may not engage in.
- If your spouse is a candidate, and you have more specific questions, please contact the Department of State Civil Service to discuss this issue in detail.

#### **A spouse of a candidate MAY:**

- Appear in a photograph with spouse who is a candidate for elected office.
- Serve as a host or hostess at your home when your spouse who is a candidate for election has a party at your home in support of your spouse's candidacy, but you may not take an active part in soliciting campaign contributions.
- Attend a fundraiser or other political or social event with your spouse, and support the campaign - short of soliciting contributions - while there.
- Allow community funds to be used to support the campaign.

#### **A spouse of a candidate may NOT:**

- Place a bumper sticker supporting your spouse on the vehicle that you drive.
- Wear, use, display, or distribute fliers, handbills, tee shirts, hats, stickers, pins, fans, water bottles, or any other material supporting your spouse, unless you are with your spouse at a political or social event.
- Solicit contributions, whether you are with your spouse or not.
- Personally sell anything - including food - at any function that supports your spouse's campaign.
- Participate in any type of support of your spouse's campaign while at work or on duty.